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OFFICE OF PETITIONS

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| In re Application of | : | |
| Nakashima et al. | : | DECISION ON PETITION TO |
| Application Number: 10/551263 | : | WITHDRAW HOLDING OF |
| Filing Date: 09/28/2005 | : | ABANDONMENT |
| Attorney Docket Number: | : | |
| NAKASHIMA=6 | : | |

This is a decision on the "REQUEST TO VACATE IMPROPER NOTICE OF ABANDONMENT," filed on October 8, 2009, which is treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

The petition is GRANTED.

A Notice of Abandonment was mailed on September 24, 2009, stating that the application was abandoned for failure to timely file a reply to the Office letter mailed on September 15, 2008.

A review of the record reveals that on September 15, 2008, a non-final Office action was mailed, setting a three (3)-month shortened statutory period for reply.

On March 16, 2009, a Notice of Appeal and fee were filed, along with a three (3)-month extension of time under 37 CFR 1.136(a).

As March 15, 2009, fell on a Sunday, the reply filed on Monday, March 16, 2009, was timely filed with the three (3)-month extension of time. 37 CFR 1.7(a). Accordingly, the application did not become abandoned for failure to timely respond to the non-final Office action mailed on September 15, 2008.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

Receipt of the Request for Continued Examination (RCE), submission under 37 CFR 1.114, and five (5)-month extension of time, filed on October 16, 2009, is acknowledged.

The application is referred to Technology Center Art Unit 1645 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions